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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Application of :  
Hiroshi MURAMATSU : Confirmation No. 9745  
Serial No. 10/027,061 : Group Art Unit - 2878  
Filed: December 26, 2001 : Examiner - Que Tan Le  
For: LIGHT PROBE MICROSCOPE :  
INCLUDING PICTURE SIG- :  
NAL PROCESSING MEANS : Docket No. S004-4512

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MS ISSUE FEE  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR ISSUANCE OF NEW NOTICE OF ALLOWANCE  
AND FEE(S) DUE OR, IN THE ALTERNATIVE,  
VACATION OF NOTICE OF ALLOWANCE AND FEE(S) DUE**

**S I R:**

On January 8, 2003, applicant filed by mailing certificate a Preliminary Amendment in the above-identified application amending original claims 1-26 and adding new claims 27-32. In the Preliminary Amendment, applicant also revised the specification, added a new abstract and submitted proposed drawings revisions of Figs. 1, 3, 9 and 10 of the application drawings. A copy of applicant's Preliminary Amendment, new abstract, proposed drawing revisions and VERSION WITH MARKINGS TO SHOW CHANGES MADE is enclosed

**MAILING CERTIFICATE ON PAGE 3**

together with a copy of the return receipt postcard evidencing receipt of these documents by the PTO on January 13, 2003.

On July 22, 2004, the PTO mailed notice of allowance papers indicating that the allowed claims are 1-26, but making no mention of amended original claims 1-26 and new claims 27-32 added by Preliminary Amendment. Also, applicant's new abstract, revised specification and proposed drawing revisions have not been approved and entered in the PTO file.

As the Preliminary Amendment was filed long prior to examination of the application by the Examiner and long prior to mailing of the notice of allowance papers, applicant is entitled to entry and consideration of the preliminary amendment as though the notice of allowance papers had not been mailed. See MPEP §714.15, second paragraph.

Applicant respectfully requests reopening of prosecution for entry and consideration of the preliminary amendment and issuance of a new notice of allowance taking into account the amended and new claims, abstract, revised specification and proposed drawing revisions submitted by the Preliminary Amendment.

It is applicant's understanding that the July 22, 2004 notice of allowance papers will be withdrawn and either superceded by a new one or prosecution will be re-opened and that applicant, therefore, need not pay the issue and

publication fees by the due date of October 22, 2004 as set forth in the July 22, 2004 notice of allowance papers. If for any reason applicant's understanding is not correct and the issue and publication fees must be paid by October 22, 2004, it is respectfully requested that the undersigned be notified by telephone at the below-listed number before the October 22, 2004 due date.

Respectfully submitted,

ADAMS & WILKS  
Attorneys for Applicant

By: 

Bruce L. Adams  
Reg. No. 25,386

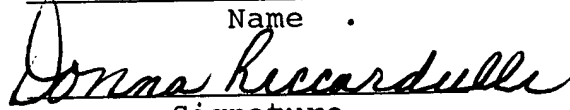
50 Broadway  
31st Floor  
New York, NY 10004  
(212) 809-3700

MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: MS ISSUE FEE, COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Donna Riccardulli

Name

  
Signature

JULY 26, 2004

Date



**KINDLY ACKNOWLEDGE RECEIPT OF THE  
BELOW-LISTED MATERIAL, AND RETURN:**

PRELIMINARY AMENDMENT (WITH MAILING CERTIFICATE),  
ABSTRACT, THREE SHEETS OF INFORMAL DRAWINGS  
CONTAINING FIGS. 1, 3, 9 AND 10 THEREON,  
VERSION WITH MARKINGS TO SHOW CHANGES MADE  
and CHECK IN THE AMOUNT OF \$108.00

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MURAMATSU

S.N. 10/027,061  
D.N. S004-4512

